

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

States of West Virginia, North Dakota,) **ORDER GRANTING**
Georgia, Iowa, Alabama, Alaska, Arkansas,) **MOTION TO INTERVENE**
Florida, Indiana, Kansas, Louisiana,)
Mississippi, Missouri, Montana, Nebraska,)
New Hampshire, Ohio, Oklahoma,)
South Carolina, South Dakota, Tennessee,)
Utah, Virginia, and Wyoming,)
)
Plaintiffs,)
)
and)
)
America, Cass County Farm Bureau,)
North Dakota Farm Bureau,)
)
Intervenor-Plaintiffs,)
)
vs.) Case No. 3:23-cv-032
)
U.S. Environmental Protection Agency,)
Michael S. Regan, in his official capacity)
as Administrator of the U.S. Environmental)
Protection Agency, Michael L. Connor, in)
his official capacity as Assistant Secretary)
of the Army for Civil Works, and)
LTG Scott A. Spellmon, in his official)
capacity as Chief of Engineers and)
Commanding General, U.S. Army)
Corps of Engineer,)
)
Defendants,)
)
and)
)
Chickaloon Village Traditional Council,)
Rappahannock Tribe, Tohono O'odham)
Nation, and White Earth Band of)
Minnesota Chippewa Tribe,)
)
Intervenor-Defendants.)

Before the Court is a motion to intervene as plaintiffs filed by the Associated General Contractors of North Dakota, Florida Transportation Builders Association, Home Builders Association of Central Arizona, Kansas Livestock Association, North Dakota Association of Builders, North Dakota Petroleum Council, REALTORS Land Institute, South Carolina REALTORS, Southern Arizona Home Builders Association, Tennessee Road Builders Association, and the Utah Mining Association (“proposed Business Intervenors”) on November 20, 2023. See Doc. No. 179. The Federal Defendants and Defendant-Intervenors filed responses to the motion on December 4, 2023, wherein they expressed no opposition to the motion. See Doc. Nos. 183 and 184. The Court agrees with the parties that the proposed Business Intervenors have satisfied the requirements of Rule 24(a) for intervention as of right. Accordingly, the motion to intervene (Doc. No. 179) is **GRANTED**. The proposed Business Intervenors are granted leave to file their proposed complaint in intervention within seven (7) days of this Order.

IT IS SO ORDERED.

Dated this 12th day of December, 2023.

/s/ Daniel L. Hovland

Daniel L. Hovland, District Judge
United States District Court